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ARTICLE

RELATIVE TO

BASIC PROVISIONS ON HUMAN RIGHTS CONTAINED IN THE CONSTITUTIONS AND LAWS OF ALL NATIONS, PREPARED FOR THE UNITED STATES BY THE DEPARTMENT OF STATE

PRESENTED BY MR. HUMPHREY

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INTRODUCTION BY SENATOR HUBERT H. HUMPHREY

The first *United Nations Yearbook on Human Rights* was published in 1945 and included the basic provisions on human rights contained in the constitutions and laws of all nations, including those in both our United States Constitution and the constitutions of our various States. Subsequent volumes have carried pertinent changes in these provisions as well as reports on official actions and legislation adopted during the years. This Senate document includes the official contribution of the United States Government to the *United Nations Yearbook on Human Rights* for 1950. It was prepared by the Department of State and describes action in our country both on the State and Federal level in this field so vital to democracy.

The enemies of democracy are fond of pointing to the shortcomings of our country in the field of human rights. A study of the progress which our society has made in 1950, however, can make us proud of the strides we have taken toward full democracy. The struggle for basic human rights and human dignity here and in the rest of the world is one which calls for constant vigilance on the part of citizens and governments. I have faith and confidence that the record of our Government and of our people is one which will assure the inevitable victory for decency, dignity, and democracy for all our people. I know, too, that the American people and the American Government are prepared to make their contribution in behalf of this noble goal all over the world wherever men may live. Freedom is our objective.

HUMAN RIGHTS IN THE UNITED STATES :1950

In the United States, with its federal form of government, the obligation to protect human rights is a shared responsibility. The Federal Government protects the human rights assured to United States citizens by the Federal Constitution by means of international agreements, laws enacted by the Federal Congress, Executive Orders, Regulations, and decisions of the Federal Courts. Similarly, the State and Territorial Governments protect the rights and freedoms assured individuals within their jurisdiction by State Constitutions and Territorial Acts by means of laws enacted by State and Territorial Legislatures, Executive Orders, and decisions of State and Territorial Courts. In addition, the rights and freedoms of individuals are protected in the United States at the local level through local ordinances and regulations and decisions of local magistrates.

The developments described in the present report are representative of governmental activities in safeguarding the basic rights and freedoms of the American people. They record only one chapter in the continuing expression of individual rights in the United States.

The great quantity of relevant material makes it possible to digest only certain of the developments in 1950. A true picture of the wide extent to which basic human rights and freedoms are fostered in the United States would include, in addition to the data contained in the present report, the many 1950 acts appropriating funds to pay for new or continuing human-rights activities.

International Agreements

The Treaty of Friendship, Commerce and Navigation between the United States and Ireland, which was signed on January 21 and came into force with the exchange of ratifications on September 14, 1950, defines, as an essential part of the legal framework within which general economic relationships may develop, the fundamental rights and privileges which nationals and enterprises of each country shall enjoy in the other.[1]

Thus, article I guarantees the nationals of either party within the territory of the other party such basic rights as the right to travel freely; to reside at places of their choice; to enjoy liberty of conscience; and to gather and transmit material for dissemination to the public abroad, including the right to communicate by any means open to general public use with persons both inside and outside the territories of either party. By article II nationals of either party in the territory of the other are to be free from unlawful molestations of every kind; and, if accused of crime and taken into custody, they are granted the right to be informed of the accusations, to be brought to trial as promptly as is consistent with the proper preparation of the defense, and to enjoy all means reasonably necessary to their defense. Article

[1] For text of the treaty, see Department of State publication 4076, Treaties and other International Acts Series 2155.

IV grants the same treatment to nationals of both parties in the application of laws on specified subjects relating to workmen's compensation and social security. Under article VI, the courts of justice and administrative tribunals and agencies in each country are open in all degrees of jurisdiction to the nationals of the other, on the basis of national treatment for the purpose of pursuing and defending their rights. Article VIII forbids unlawful entry or molestation of the dwellings, offices, warehouses, factories, and other premises of the nationals and companies of one party located within the territory of the other. Article XX of the treaty specifically states that the treaty does not accord any right to engage in political activity.

Federal, State, and Territorial Acts

CIVIL AND POLITICAL RIGHTS

Government by the will of the people

Guam Bill of Rights—The Congress of the United States approved on August 1, 1950, an organic act for the non-self-governing territory of Guam, which declares Guam to be an incorporated territory of the United States and provides a civil government for the island. Section 5 of the Organic Act is a Bill of Rights for the people of Guam, guaranteeing them freedom of religion; the right to be secure in their persons, houses, papers, and effects from unreasonable searches and seizures; due process of law; speedy and public trial; *habeas corpus;* freedom from bills of attainder, *ex post facto* laws, and laws impairing the obligation of contracts; freedom of the voter with respect to any qualification as to property, income, political opinion, or any other matter apart from citizenship, civil capacity, and residence; freedom from discrimination because of race, language, or religion; equal protection of the law; freedom from any religious test as a qualification to any office or public trust under the Government of Guam; freedom from conviction for treason against the United States unless on the testimony of two witnesses to the same overt act, or on confession in open court; and protection of children through prohibition of the employment of any child under 14 years of age in any occupation injurious to health or morals or hazardous to life or limb.

The Organic Act for Guam provides specifically in section 5 that no person who advocates or belongs to any party or organization which advocates the overthrow by force or violence of the Government of Guam or of the United States shall be qualified to hold any public office of trust or profit under the Government of Guam.[2]

Providing for the Constitutional Government of Puerto Rico—The Congress of the United States has progressively recognized the right of the people of Puerto Rico to govern themselves, and under the terms of various congressional enactments an increasingly large measure of self-government has been achieved by the islanders. On July 3, 1950, the Congress approved a law under which the legislature of Puerto Rico is authorized to call a constitutional convention to draft a constitution which, upon adoption by the people of Puerto Rico and approval by the Congress of the United States, will become effective. By this act, the Government of the United States gives full

[2] 64 Stat. 384.

recognition to the principle of government by consent, and to the right of a people to live under a constitution of its own choosing.[3]

Providing for Internal Security—The United States Congress adopted a measure September 23, 1950, to protect the United States against certain subversive activities by requiring, inter alia, Communist organizations to register and divulge information about their officers, their finances, and in some cases their membership. The Act expressly provides that "Nothing in this Act shall be construed . . . in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States and no regulation shall be promulgated hereunder having that effect."

This measure defines a "Communist organization" as an organization substantially directed, dominated, or controlled by the foreign government or foreign organizations controlling the world Communist movement. The term "world Communist movement" is defined as a movement to establish totalitarian dictatorshp wherein the rights of individuals are subordinated to the state, fundamental rights and liberties denied, and control over the people maintained by fear, terrorism, and brutality.[4]

Voting—The following States enacted legislation relating to voting: California, Colorado, Georgia, Maryland, Michigan, New Jersey, New York, Rhode Island, South Carolina, Virginia, and Washington. Most of the laws facilitated absentee voting by the disabled, the shut-ins, veterans in hospitals, and persons prevented from casting ballots on the prescribed day because of their religious beliefs. Georgia provided for absentee voting in the municipal elections of the City of Augusta. Maryland lengthened the hours during which polls are kept open in Worcester County. Virginia authorized persons in line at the polls at closing time to be allowed to vote. South Carolina enacted a general election law, section 14–N of which makes it a misdemeanor punishable by fine and/or imprisonment to assault or intimidate, to discharge from employment, or to eject from any rented house, land, or other property any citizen because of his political opinions or his exercise of political rights (such as voting). South Carolina in a general election held in September 1950 approved a constitutional amendment to eliminate the payment of a poll tax as a requirement for voting. When this constitutional amendment becomes effective through 1951 legislative action, the total number of States requiring a poll tax as a prerequisite for voting is reduced to six.[5]

Fair trial

Jurisdiction of American Laws Extended to Pacific Islands—On June 15, 1950, the Eighty-first Congress extended the jurisdiction of United States laws relating to civil acts or offenses to cover such acts or offenses when consummated or taking place on the following Pacific Islands under the jurisdiction of the United States: Midway Island, Wake Island, Johnston Island, Sand Island, Kingman Reef. Kure Island, Baker Island, Howland Island, Jarvis Island, Canton Island, and Enderbury Island (the latter two islands being under the joint

[3] 64 Stat. 319.
[4] 64 Stat. 987.
[5] For example: Calif. 1950, ch. 20, p. 457; Colo. 1950 ch. 3, p. 30; Ga. 1950 Act. 703, p. 2588; N. Y. 1950, ch. 4, p. 28; Mich. 1950, Act. 11, p. 10; N. J. 1950, ch. 145, p. 298; N. Y. 1950 ch. 150, p. 671; R. I. 1950, ch 2637, p. 1509; S. C. 1950, ch. 858, p. 2059; Va. 1950, ch. 283, p. 462; Wash. 1950, ch. 8, p. 14.

jurisdiction of the United States and Great Britain), or in the waters adjacent thereto. Those acts or offenses, under this legislation, henceforth will be adjudicated, determined, or adjudged and punished according to the laws of the United States, including the provisions for trial by jury and other guarantees of fair treatment.[6]

Jury Selection—The Supreme Court of the United States reversed a judgment of the Court of Criminal Appeals of the State of Texas in the case of *Cassel* v. *Texas* on the ground that procedure for selecting a grand jury had not been in conformity with the Fourteenth Amendment of the Federal Constitution of the United States. This Amendment provides that "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws." In this case the petitioner, a Negro, sought review to determine his right to a fair and impartial grand jury, alleging that "the equal protection of the laws" had been denied him because only white men had been selected to serve on the grand jury that indicted him. The trial court, after full hearing, denied the motion, and the Court of Criminal Appeals of Texas affirmed the petitioner's conviction. The United States Supreme Court decided that the grand jury commissioners had proved their exclusion of Negro jurors was intentional when they stated that they chose for service only those persons whom they knew, and that they knew no eligible Negroes even though the area was one in which Negroes made up a large proportion of the population.[7] The Supreme Court based its decision upon its earlier decision in *Hiss* v. *Texas*, where it was held that the Fourteenth Amendment to the Constitution barred the State from discriminating because of race in the selection of grand jurors, and that as a result a conviction based on an indictment found by a grand jury from which Negroes were kept because of discrimination could not stand.[8]

No Person Compelled to be Witness Against Himself—The Fifth Amendment to the Constitution of the United States provides that no person shall be compelled in any criminal case to be a witness against himself. In *Blau* v. *United States*, the Supreme Court of the United States held that a witness before a United States District Court Grand Jury could not be compelled to testify concerning the Communist Party and her employment by it, in a situation where she reasonably could fear that an admission of employment by the Communist Party or intimate knowledge of its workings might result in criminal charges being brought against her.[9]

Right to Bail—In *Bridges* v. *United States*, the United States Court of Appeals for the Ninth Circuit held that where a meritorious question exists bail becomes a matter of right.[10] The plaintiff had been convicted by a United States District Court of false swearing and of conspiracy to defraud the United States in falsely swearing in naturalization proceedings that he had never belonged to the Communist Party. His existing bail had been increased, and he was released pending his appeal. The Government argued that his bail should be revoked because the subsequent Korean crisis rendered him, as a "proven Communist," a menace to public security. The Court held that there was insufficient ground for revoking his bail.[10]

[6] 64 Stat. 217.
[7] 339 U. S. 282 (1950).
[8] 316 U. S. 400, 404 (1942).
[9] 340 U. S. 159 (1950).
[10] 184 F. 2d 881 (1950).

The United States Court of Appeals for the Second Circuit held in the case of *Williamson et al.* v. *United States* that post-conviction writings and speeches of Communist Party leaders critical of United States policy toward Korea and supporting Soviet Russia's position did not justify denial of bail after their conviction and pending certiorari on a substantial question to the Supreme Court of the United States. The Second Circuit said: ". . . the right of every American to equal treatment before the law is wrapped up in the same constitutional bundle with those of these Communists. If in anger or disgust with these defendants [Communist Party leaders] we throw out the bundle, we also cast aside protection for the liberties of more worthy critics who may be in opposition to the government of some future day."[11]

Under the Internal Security Act of 1950, the Attorney General is given discretionary power to detain deportable aliens without bail. In *Warhol* v. *Shrode et al.*, the Federal District Court, District of Minnesota, Fourth Division, held that even though the defendant had been a member of the Communist Party from 1935 through 1938 and still adhered to some Communist principles, the Attorney General had abused his discretion in declining bail to a defendant who had been arrested on a deportation warrant in 1947, released on bond, and re-arrested in 1950. In this case, the Court said that it was difficult to reconcile one's sense of American justice, even to such an alien, with an incarceration over a period of many months.[12]

The United States District Court, District of Maryland, Civil Division, held in *United States, ex rel. Mavrekefalus* v. *Murff*, and *United States ex rel. Bafalukos* v. *Murff*, that aliens who were held in custody without bail pending decision in deportation proceedings under the Immigration Act of 1917, as amended by the Internal Security Act of 1950, and who were either members of an organization officially declared to be hostile to the interests and internal security of the Government or organizers for such an organization, could be so held without bail pending deportation proceedings. The Court held that a decision of the Attorney General in such a case is subject to judicial review only when it is devoid of any reasonable foundation.[13]

Asylum from persecution

Displaced Persons—Under legislation approved by the United States Congress on June 16, 1950, amending the Displaced Persons Act of 1948, the program of admitting "eligible displaced persons" to the United States is continued until June 30, 1952. The 1950 act broadened the definition of eligible persons by including persons who had fled from their countries and were residing in Germany, Austria, or Italy as of January 1, 1949, instead of December 22, 1945, as in the 1948 act. The 1950 act also increased the total of those who could be admitted under the program to 341,000.

The new law provided that selection for admission among otherwise eligible persons shall be made without discrimination because of race, religion, or national origin. It excluded, however, any person who is or has been a member of the Communist Party or who follows or has followed, adhered to or has adhered to, advocates or has advocated any political or economic system of philosophy directed

[11] 184 F. 2d 280, 284 (1950).
[12] 94 F. Supp. 229 (1950).
[13] 94 F. Supp. 643 (1950).

towards the overthrow of representative government. It preserves the family group by permitting the spouse and unmarried dependents of an eligible displaced person also to be admitted, if otherwise qualified.[14] Under United States law an alien legally admitted to the United States has the same rights and freedoms as citizens with the exception of the right to vote, and may become eligible for naturalization after a stated number of years of residence.

Adjustment of Immigration Status—In at least two instances in 1950, the Immigration and Naturalization Service of the Department of Justice authorized the continued residence in the United States of persons who had grounds to fear political or religious persecution if they returned to their country of origin. On November 7, 1950, the Service ruled that a Chinese student in the United States was entitled to an adjustment of his immigration status under the Displaced Persons Act because he had a justifiable basis for fearing political persecution if he returned to China, inasmuch as he had expressed his opposition to communism.[15] Similarly a ruling made on November 30, 1950, permitted a Catholic priest who had come to the United States from Yugoslavia, where he had engaged in anti-Communist activities, to remain in this country under the provisions of the Displaced Persons Act.[16]

Freedom from unreasonable search and seizure

The Fourth Amendment to the Constitution reads: "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." In *United States* v. *Rabinowitz*, the United States Supreme Court said that what is a "reasonable search" is not to be determined by a fixed formula but by the facts and circumstances of each case.[17] The Court held that a general search, without a warrant, of the office of a person suspected of selling forged and altered postage stamps, following his arrest under a warrant for the arrest, was a lawful incident to such arrest. In reaching this conclusion the Court overruled *Trupiano et al.* v. *United States*, to the extent that the case required a search warrant solely upon the basis of the practicability of procuring it rather than upon the reasonableness of search following lawful arrest.[18]

Two other cases decided by the United States Supreme Court in 1950 dealt with the power of the Federal Trade Commission to require corporations to file reports showing how they had complied with a decree of the Court of Appeals enforcing the Commission's cease-and-desist order, in addition to the reports required by the decree itself.[19] The Court of Appeals found the Commission to be without statutory authority to require additional reports as to compliance. The Supreme Court said that it was unnecessary to examine whether a corporation is entitled to the protection of the Fourth Amendment's proscription of unreasonable searches and seizures and the Fifth Amendment's due-process-of-law clause. The Court declared that the

[14] 64 Stat. 219.
[15] Dept. of Justice File A-6730648.
[16] Dept. of Justice File A-6903246.
[17] 339 U. S. 56 (1950).
[18] 334 U. S. 699 (1948).
[19] *United States* v. *Morton Salt Co.*, 338 U. S. 632; *United States* v. *International Salt Co.*, 338 U. S. 632 (1950).

principle had already been established that corporations "can claim no equality with individuals in the enjoyment of a right to privacy." [20] The Supreme Court stated that while governmental investigation into corporate matters may be of such sweeping nature and so unrelated to the matter properly under inquiry as to exceed the investigatory power, in these two cases the inquiry came within the authority of the agency, the demand was not too indefinite, and the information sought was reasonably relevant.

The United States Court of Appeals for the First Circuit held in the case of *Best* v. *United States* that "the protection of the Fourth Amendment extends to United States citizens in foreign countries under occupation by our armed forces." [21]

The United States Court of Appeals, Second Circuit, held, in *United States* v. *Coplon*, that agents of the Federal Bureau of Investigation were without authority to arrest an espionage suspect without a warrant, under the circumstances of that case.[22] The Court emphasized that the limited power to make arrests without warrant granted to agents of the Federal Bureau of Investigation requires a warrant where there is time to obtain one.

Freedom of speech and expression

The New York Court of Appeals, in *People* v. *Feiner*, held "that the constitutional guarantee of freedom of speech is not an absolute right to be indiscriminately exercised under all circumstances and conditions." [23] In this case, a Syracuse University student had been restrained from continuing a street-corner speech because of imminent danger of a breach of the peace. The Court held that the right of free speech does not include the right to block traffic on the public sidewalks and streets, and, with intent to provoke a breach of the peace and with knowledge of the consequences to inflame a mixed audience of sympathizers and opponents so that, in the judgment of police officers present, a clear and present danger of disorder and violence is threatened.

In *Gillars* v. *United States*, the United States Court of Appeals for the District of Columbia held that the constitutional guarantee of free speech does not bar prosecution for treason of an American citizen who had participated in a German propaganda program designed to convince Americans that the invasion of Europe by Allied forces during World War II would be a fiasco.[24] The First Amendment, the Court said, does not protect one from accountability for words as such, although it protects the free expression of thought and belief as a part of the liberty of the individual as a human personality. Words, it held, which when reasonably viewed constitute acts in furtherance of a program of an enemy to which the speaker adheres and to which he gives aid with intent to betray his country "are not rid of their criminal character merely because they are words . . . It depends," the Court said, "upon their use."

In what was regarded as a test of the power of film censorship exercised by State and local governments, the United States Circuit Court of Appeals for the Fifth Circuit, in the case of *Rd-Dr Corporation*

[20] Citing *United States* v. *White*, 322 U. S. 694 (1944).
[21] 184 F. 2d 131, 138 (1950).
[22] 185 F. 2d 629 (1950).
[23] 91 N. E. 2d 316 (1950).
[24] 182 F. 2d 962 (1950).

et al. v. *Smith*, held that films are "entertainment" and not entitled to "free press" protection of the Constitution. [25] The Court thus upheld the action taken by the United States District Court for the Northern District of Georgia declaring that an ordinance passed by the City of Atlanta for the censorship of motion pictures was not unconstitutional even though it set no standard other than the censor's opinion. [26]

In the case of *United States* v. *Dennis et al.*, the United States Court of Appeals, Second Circuit, unanimously affirmed the convictions of eleven American Communist leaders who had been convicted under the Smith Act of 1940 for conspiring to organize the Communist Party of the United States as a group to teach and advocate the overthrow of the Government of the United States by force and violence. [27] The Court said that a conspiracy to overthrow the Government having been discovered, the only question that remained to be answered was how long the Government must wait before finding that a clear and present danger existed. The Court decided that it was unnecessary to "wait till the actual eve of hostilities."

The question whether the requiring of so-called "non-Communist" affidavits violated freedom of speech came before the United States Supreme Court in the cases of *American Communications Association, C. I. O. et al* v. *Douds, Regional Director of the National Labor Relations Board* and *United Steelworkers of America* v. *National Labor Relations Board.* [28] The Court said that although the First Amendment to the Constitution provided that Congress should make no law abridging freedom of speech, press, or assembly, it had long been established that these freedoms were dependent upon the power of constitutional government to survive, and that if constitutional government were to survive, it must have the power to protect itself against unlawful conduct and, in some circumstances, to protect itself against incitement to commit unlawful acts. The Court held that the provision in section 9 (h) of the National Labor Relations Act denying the benefits of certain provisions of the act to any labor organization the officers of which had not filed with the National Labor Relations Board the so-called "non-Communist" affidavits did not violate the First Amendment.

Freedom of religion

The United States Court of Appeals for the Ninth Circuit held in *Richter* v. *United States* that the Constitutional guarantee of freedom of religion did not preclude the conviction of a conscientious objector for refusing to register under the Selective Service Act of 1948. The Constitution of the United States, the Court pointed out, "grants no immunity from military service because of religious convictions or activities." Immunity, the Court said, "arises solely through congressional grace in pursuance of a traditional American policy of deference to conscientious objectors." [29]

Three years ago, in *State of Illinois ex. rel. McCollum* v. *Board of Education of School District No. 71, Champagne County, Illinois, et al.*, the United States Supreme Court held that the utilization of tax-established and tax-supported public school systems to aid religious

[25] 183 F. 2d 562 (1950).
[26] *Rd-Dr Corporation et al.* v. *Smith et al.*, 89 F. Supp. 596 (1950).
[27] 183 F. 2d 201 (1950).
[28] 339 U. S. 382 (1950).
[29] 181 F. 2d 591, 593 (1950).

groups to spread their faith through released-time religious instruction on public-school property "falls squarely under the ban of the First Amendment" (made applicable to the States by the Fourteenth Amendment).[30] In *Zorach et al.* v. *Clauson et al.*, the New York Supreme Court held that the New York program of released-time for religious training during school hours but outside the school building and off school property, involving no approval of religious teachers or courses of instruction and no use of public moneys did not violate the principle of church-state separation.[31] Several States, however, have laws permitting the reading of Bible verses without comment during school hours to public-school pupils. In *Doremus et al.* v. *Board of Education of Borough of Hawthorne, et al.*, the Supreme Court of New Jersey held that required daily reading from the Old Testament and the permitted recitation of the Lord's Prayer under a New Jersey statute, were not "designed to inculcate any particular dogma, creed, belief or mode of worship" but were intended to quiet the pupils, prepare them for their daily studies, teach them "principles of piety, justice, and sacred regard for truth, love of country, humanity, and a universal benevolence." The Court held that such reading and recitation, without comment, were not in violation of the Constitution.[32]

Right to own property

In two cases decided on May 3, 1948, the United States Supreme Court held that restrictive covenants not to sell real property to members of the colored race are not invalid so long as their purposes are achieved by voluntary adherence of these parties to the agreement, but that it was contrary to the Fourteenth Amendment and contrary to public policy to aid in the enforcement of them by judicial proceedings.[33] As a result of that decision, the United States Court of Appeals for the District of Columbia in *Roberts et al.* v. *Curtis et al.*, on October 5, 1950, dismissed an action for damages for the breach of a restrictive covenant not to sell certain property to members of the colored race, on the ground that the granting of assistance by way of judicial action to enforce such a covenant had been specifically withheld by the Supreme Court in the 1948 decisions.[34]

Access to public services

An additional step in furthering the policy of equality of treatment and opportunity for Negroes in the armed services of the United States was taken by the 1950 revisions of Army Circular 124, dated April 27, 1946, entitled "Utilization of Negro Manpower in the Post-War Army."

The revision, Special Regulation No. 600–629–1, announced January 16, 1950, declares that the Department of the Army will utilize all manpower without regard to race, color, religion or national origin, in order to obtain maximum efficiency; places responsibility upon commanders of all echelons for insuring that all personnel under their command are thoroughly oriented in the necessity for the unreserved acceptance of that policy; and places responsibility for the execution of the policy upon those commanders or organizations of

[30] 333 U. S. 203 (1948).
[31] 99 N. Y. Supp. 2d 339 (1950).
[32] 75 Atl. 2d 880 (1950).
[33] *Shelley et ux.* v. *Kraemer et ux.*, 334 U. S. 1 (1948); *Hurd et ux.* v. *Hodges et al.*, 334 U. S. 24 (1948).
[34] 93 F. Supp. 604 (1950).

installations containing Negro personnel. The directive further provides for equality of treatment of enlisted personnel in respect to processing, Army School training, eligibility for Military Occupational Specialties, and promotions. It provides in addition for the procurement of officers for the Regular Army and for the Officers' Reserve Corps without regard to race or color, and for equal opportunities for advancement, professional improvement, extended active duty, active-duty training, promotion, and retention. Under the January 1950 directive, Reserve Officers' Training Corps students at summer training camps will remain together and be trained together without regard to race or color.[35]

The New York State Court of Appeals, in the case of *Thompson et al.* v. *Wallin et al.*, and others decided at the same time, held that it was permissible under the Constitution to bar members of subversive organizations from employment in the public schools of the State of New York, as provided by a New York State statute known as the Feinberg Law, which was enacted in 1949.[36] The Court found that no restriction in that statute exceeded the Legislature's Constitutional power, because "When . . . the Legislature finds acts by public employees which threaten the integrity and competency of a government service, such as the public school system, legislation adequate to maintain the usefulness of the service is necessary to forestall such danger . . ." The Court said that a "clear and present danger" existed on the basis of the Legislature's finding of an infiltration of members of subversive groups into employment in the public schools, making possible the circulation of subversive propaganda among the children. In this case, the Court specifically said that Constitutional guarantees of free speech and assembly "are not absolute" and do not deprive the State of its primary right to self-preservation.

In the case of *Hirschmann* v. *County of Los Angeles*, the California State Supreme Court, in a decision on June 2, 1950, held that neither freedom of speech, press, and assembly nor the privilege against self-incrimination was violated by a dismissal of a public school teacher for refusal to execute a non-Communist oath as required by the County Board of Supervisors. "The county . . . need not wait," the California Court said, "until after an employee has committed some overt act before making inquiry as to his fitness to occupy the position which he holds. . . . The People . . . are entitled . . . to be assured of the loyalty of their employees, and to have any information which will help them determine that fundamental question. The refusal to give such information is a clear violation of the position of trust which they occupy, and may properly be considered an act of insubordination which justifies removal." [37]

Family rights

A law approved by the United States Congress on August 19, 1950, makes eligible the alien spouses and unmarried minor children of United States citizens serving in or having an honorable discharge from the armed forces of the United States during World War II to enter the United States with non-quota immigration visas, if otherwise admissible under the country's immigration laws. The legislation provides that in the case of such alien spouses, the marriage

[35] Press release, Dept. of Defense, 64-50, Jan. 16, 1950.
[36] 95 N. E. 2d 806 (1950).
[37] 18 U. S. Law WK., No. 50 (June 27, 1950), pp. 2583-84.

must have occurred before six months after the enactment of the measure.[38]

The Displaced Persons Act of June 16, 1950, described under *Asylum* (ante) makes provision for the admission of the spouse and eligible dependents of an eligible displaced person, if otherwise qualified.

ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

Social security

The United States Congress adopted amendments to the Social Security Act which extend social security coverage on a compulsory basis to about seven and one-half million additional persons, and voluntary coverage is also made available for about two million employees of State and local governments and non-profit organizations. The new classes covered include the following: self-employed persons whose annual net income from self-employment is at least $400; certain agricultural workers, such as processing workers and "regularly employed" agricultural workers; domestic workers; employees of non-profit organizations; employees of State and local governments; Federal civilian employees not under a retirement system; employees and self-employed persons in the Virgin Islands and, if requested, in Puerto Rico; and Americans employed outside the United States if employed in United States enterprises. The 1950 amendments extend the definition of "employee" to include full-time life insurance salesmen; agent-drivers or commission drivers engaged in distributing meat or bakery products, vegetables or fruit products, beverages (other than milk), laundry or dry-cleaning services; full-time traveling or city salesmen taking orders from retailers, hotels, wholesalers, jobbers, and contractors; and industrial workers earning at least $50 in a calendar quarter if subject to regulation under State law, and if they work in accordance with specifications prescribed by the employer.

Under the new law, which became effective January 1, 1951, current benefits are increased by about seventy-seven and one-half percent, the increase ranging from about fifty percent for the highest benefit groups to about one hundred percent for low-benefit groups. The new law also increases the maximum salary or wages on which payroll taxes are payable from $3,000 to $3,600 per year. Tax rates increase for the years beginning with 1960, and climb to three and one-fourth percent. A person is considered "fully insured" under the new statute if he has one quarter of coverage for each of two quarters elapsing between 1950 and the age of 65 or death, no matter whether earned before or after 1950. This liberalization enables many people now 65 years of age or over to draw retirement benefits immediately, and enables newly covered groups to qualify much more quickly.

The 1950 Social Security Amendments also liberalize the public-assistance programs (old-age assistance, aid to dependent children, and aid to the blind) by initiating a new assistance category for aid to the permanently and totally disabled for which the States could receive Federal grants-in-aid and providing additional Federal financial participation in the aid to dependent children program. In

[38] 64 Stat. 464; 8 U. S. C. Section 239.

addition, the receipt by the States of Federal funds for assistance in the form of medical care was facilitated. Substantial increases are authorized for maternal and child health, crippled children and child welfare services. It is estimated that the new law will cost the Federal Government an additional $180 million annually.[39]

Unemployment and workmen's compensation

Four of the nine States making changes in their unemployment insurance laws increased the weekly benefit amounts. Of these, Georgia raised the minimum weekly benefit from $4 to $5, and the maximum from $18 to $20, and at the same time increased the minimum qualifying wage for the base period from $100 to $176; New Jersey increased the minimum from $9 to $10, and the maximum from $22 to $26, and at the same time lowered the qualifying wage for the base period from $270 to $250 as a minimum, and from $660 as the maximum; Maine increased the minimum weekly benefit amount from $6 to $7, but retained the maximum of $25; and Kentucky raised the minimum from $7 to $8, and the maximum from $20 to $24. Uniform duration of benefits was also increased in both Georgia and Kentucky, while in Maine and New Jersey the increase in weekly benefits resulted in increased potential annual benefits.

Other changes in unemployment insurance included a revamping by Georgia of its disqualification provisions; and added disqualification by Louisiana pertaining to false statements in order to obtain increased benefits; and in New Jersey increases in the disqualification periods for discharge, misconduct, and voluntary leaving.

With regard to temporary disability changes, New Jersey increased both the maximum and minimum weekly benefits, and lowered the qualifying wage; Rhode Island changed from a uniform calendar-year basis to an individual base period thereby relating the workers' benefits more closely to their earnings; and New York made new provisions regarding the deposit and investment of assessments and contributions paid into the special funds for disability.[40]

The major changes in workmen's compensation included the following: Kentucky, Massachusetts, Mississippi, and New Jersey increased maximum weekly disability or death benefits. In Kentucky the maximum weekly disability was increased from $20 to $23, and total death benefits were raised from $8,000 to $8,500. Kentucky also increased the total benefits for medical, surgical, and hospital treatment, payable in addition to any other compensation for an injury, from $800 to $2,500. The maximum weekly benefits were raised in Massachusetts from $15 to $20, and from $20 to $25 for a widow or widower with one dependent child. Massachusetts increased the maximum total death benefits from $7,600 to $10,000. In Mississippi, the increase made in the minimum weekly payment raised the benefit from $7 to $10, except in cases of partial dependence. Mississippi provided also that medical aid would include the furnishing of artificial limbs. In New Jersey, the maximum weekly benefits in certain cases were increased from $25 to $30.

Provisions relating to benefits for hernia were liberalized in Mississippi, New Jersey, and Virginia. New York increased benefits for

[39] 64 Stat. 477.

[40] For example: Ga. 1950, Oct. 529, p. 38: N. J. 1950, ch. 172, p. 370 and ch. 173, p. 393: Maine 1950, H. 2127-X; Ky. 1950, ch. 206, p. 733; La. 1950, Act 498, p. 900; R. I. 1950, ch. 2540, p. 1038; N. Y. 1950, ch. 727, p. 1851.

rehabilitation purposes, while Massachusetts established a commission to provide medical, surgical, vocational, and other rehabilitation services. Michigan set up a legislative committee to study the State workmen's compensation laws, and the life of a committee to study workmen's compensation insurance rates in South Carolina was extended.[41]

Puerto Rico enacted legislation (1) requiring an employer to hold a position open for a worker injured in an industrial accident, and to reemploy him upon his recovery, subject to certain conditions; (2) stipulating that employers operating quarries and land transportation insure their employees regardless of the number employed; (3) providing that during the period of disability a public employee might receive weekly compensation not in excess of the regular salary for his position; and (4) amending the Minimum Wage Law to make it apply to all workers, except professionals, executives, and administrators.[42]

Housing, recreation, and public accommodation

The Federal Housing Act of 1949, which set forth the goal of a decent home and suitable living environment for every American family, laid the groundwork for attaining that goal by providing aid in the housing of low-income families. The Housing Act of 1950, which was approved by the Congress on April 20, 1950, carries the goal forward by stimulating additional housing for lower- and middle-income families, and by encouraging housing of more adequate size and quality for families with children.

Specifically, the 1950 Housing Act authorizes a new mortgage-insurance program for low-cost homes in suburban and outlying areas; extends to July 1, 1955, and substantially increases authorization to insure lenders against losses on home building authorization and repair loans; revises the home-mortgage insurance program to provide larger and lower-cost homes, with no discrimination in the selection of tenants because of children in the applicant's family; liberalizes the program of mortgage insurance for projects of housing cooperatives; increases the home-loan guarantee for veterans; provides for direct loans to veterans who are unable to obtain loans under the terms of the act from private sources; and authorizes loans for student and faculty housing. The Housing Act of 1950 also facilitates the disposal of war and veterans' housing under the jurisdiction of the Housing and Home Finance Agency, and transfers farm-labor camps from the jurisdiction of the Secretary of Agriculture to that of the Public Housing Administration. These camps henceforth are to be used for the purpose of housing families and persons of low income, principally farm workers and their families, at rents no higher than such tenants can afford to pay.[43]

A second law, approved by the United States Congress on May 2, 1950, permits the military services to employ architects to draft plans for rental housing for military and civilian personnel in areas adjacent to military installations. Upon the basis of the plan and specifications thus drawn up, prospective sponsors of projects will be able to bid competitively for the privilege of supplying the housing without the necessity of preparing their own plans and specifications. It is thus

[41] For example: Ky. 1950, ch. 187, p. 703 & ch. 198, p. 726; Mass. 1950, ch. 257 and ch. 767; Miss. 1950, ch. 412, p. 491; N. J. 1950, ch. 175, p. 290; Va. 1950, ch. 122, p. 157; N. Y. 1950, ch. 769, p. 2091; Mich. 1950, S. Res. 17-X, S. C. 1950, Oct. 1053, p. 2549 (S. 703 & H. 2204).

[42] P. R. 1950, Acts 48, 100, 163, 131, pp. 126, 256, 444, 336.

[43] 64 Stat. 48.

intended to encourage and expedite the building of military housing by private enterprise.[44]

The Federal Congress also approved a law, July 18, 1950, empowering the Governments of Puerto Rico, Alaska, Hawaii, and the Virgin Islands to authorize public bodies or agencies to undertake slum-clearance and urban-redevelopment activities and to participate in the benefits made available by the Federal Government under the Housing Act of 1949 in connection with providing dwelling accommodations for families of low income.[45] A number of States broadened the powers and duties of their redevelopment agencies. Connecticut increased its authorized bond issue for moderate-cost housing from $30 to $60 million.[46]

More than half of the legislatures meeting in 1950 enacted housing legislation, designed to bring nearer the Government's goal of a decent home for every American citizen. South Dakota became the forty-third State to enact legislation accepting participation in the Federally aided low-rent housing program. Other States, notably Louisiana, Mississippi, New Hampshire, New Jersey, and Rhode Island, and the Territory of Puerto Rico, amended their tenant eligibility requirements to bring them into conformity with the Federal Housing Act of 1949. Under that act, deductions are permitted for each minor in computing the income of a family wishing to qualify for admission or continued occupancy in a low-rent-housing project. Four of these States, Louisiana, New Hampshire, New Jersey, and Rhode Island, also amended their laws to conform to eligibility requirements of the Federal law relating to the payment of prevailing salary or wage rates in connection with the construction of low-rent housing.

Three States, Louisiana, Mississippi, and Rhode Island, extended the applicability of their housing authorities to additional cities and towns, while New York created new housing authorities in three cities. The Legislative Assembly of the Virgin Islands enacted a comprehensive law creating a Virgin Island Housing and Redevelopment Authority to undertake not only low-rent-housing projects but slum-clearance and urban-redevelopment projects as well. The new statute in South Dakota likewise authorizes slum-clearance and urban-redevelopment either by clarifying previous legislation or by authorizing the creation of new agencies to undertake such work.

Laws adopted in a number of States in 1950 continued the trend to eliminate discrimination in housing and in places of amusement. New York, for example, amended its Civil Rights Law to prevent discrimination or segregation because of race, creed, color, national origin, or ancestry in any housing accommodation the construction or maintenance of which was assisted or supported to any extent, including tax exemption, by the State.[47] In New Jersey, eight laws were adopted incorporating anti-discrimination provisions in a like number of statutes relating to housing built with public funds or publicly assisted.[48] They provided that, in connection with each law which they supplemented, no person should be subjected to dis-

[44] 64 Stat. 97.
[45] 64 Stat. 987.
[46] For example: La. 1950, act 401, p. 660; Miss. 1950, ch. 513, p. 876; N. H. 1950, S.3-X; N. J. 1950, ch. 326, p. 1087; R. I. 1950, ch. 2619, p. 1479 & ch. 2574, p. 1121; P. R. 1950, Act 125, p. 326; N. Y. 1950, ch. 25, p. 26, ch. 222, p. 740, ch. 305, p. 985; Ky. 1950, ch. 119, p. 497; V. I. 1950, Leg. Assem. Bill No. 13; S. D. 1950, ch. 12, p. 13, ch. 13, p. 14; Conn. H.2-XXXXX.
[47] N. Y. 1950, ch. 287, p. 961.
[48] N. J. 1950, ch. 105–112, pp. 198–203.

crimination because of race, creed, color, national origin, or ancestry. Massachusetts changed the name of the "State Fair Employment Practice Commission" to "Commission Against Discrimination" and broadened the powers of the Commission to include the administration of provisions relating to discrimination in public-housing developments as well as to violations of prohibitions against discrimination in public places and in advertisements. The Massachusetts law prohibited segregation or other discrimination in public places because of religion, race, or color. Under this law, all persons have the right to full and equal accommodations, advantages, facilities, and privileges of places of public accommodations, resorts, and places of amusement.[49]

The Legislative Assembly of the Virgin Islands provided for equal rights in places of accommodation, amusement, and resort without reference to race, creed, color, national origin, or ancestry.[50] Texas, which passed a law requiring separate park facilities for its white and Negro population, also established a special committee to investigate the State park system with a view to recommending the necessary steps for providing substantially equal park facilities for the two races.[51]

In *Henderson* v. *United States,* the Supreme Court of the United States held that a railroad's rules and practices reserving exclusively a table for Negro passengers and other tables for white passengers, with curtains between them, violated Section 3 (1) of the Interstate Commerce Act of 1887, which makes it unlawful for any interstate railroad "to subject any particular person . . . to undue or unreasonable prejudice or disadvantage in any respect whatsoever." The Court held that the "right to be free from unreasonable discrimination belongs, under Sec. 3 (1), to each particular person." [52]

In the case of *Rice* v. *Arnold, Superintendent of the Miami Springs Country Club,*[53] the Supreme Court of the United States, on October 16, 1950, remanded for reconsideration, in the light of its decisions of June 5, 1950, in *Sweatt* v. *Painter et al.* and *McLaurin* v. *Oklahoma State Regents,*[54] a previous judgment of the Florida Supreme Court to the effect that the allocation of the only municipal golf course in the city of Miami to Negroes for use only one day a week and to whites for their exclusive use the other six days did not unconstitutionally discriminate against Negroes.

Child welfare

Day Nurseries—The District of Columbia, in which the city of Washington is located, is administered by the Federal Congress. On June 30, 1950, the Congress approved an act to continue a system of nurseries and nursery schools which provides day care for school-age and under-school-age children in the District of Columbia. Under this measure, the Board of Public Welfare for the District of Columbia is authorized to waive all payment for attendance in such nurseries or nursery schools in cases where parents are unable to pay for such care for their children. The extending legislation authorized the continuance of the program to June 30, 1953, and provides that not more than $100,000 might be made available for the purpose.[55]

[49] Mass. 1950, ch. 479.
[50] V. I. 1950, Legislative Assembly Bill No. 1.
[51] Texas 1950, ch. 17, p. 78, and S. C. R. No. 18, p. 133.
[52] 339 U. S. 816, 824 (1950).
[53] 340 U. S. 848 (1950).
[54] 339 U. S. 629, 637 (1950).
[55] 64 Stat. 307.

Prohibition of Child Labor—Legislation regulating the age below which no child may be permitted to work and the conditions under which young people may be employed was adopted in both the United States Congress and a number of State legislatures.

The Federal Fair Labor Standards Amendments of 1949, which became effective January 25, 1950, substantially expanded the child-labor coverage of the Fair Labor Standards Act of 1938. With the passage of the amendments, it became necessary to amend the regulations covering the employment of 14- and 15-year-old minors to adapt them to the increased coverage and to clarify the application of the 16-year minimum to the newly covered interstate-commerce fields.

On January 18, 1950, Child Labor Regulation No. 3 was revised to bar minors under 16 years of age from employment in connection with the transportation of persons or property by rail, highway, air, water, pipeline or other means; warehousing and storage; communications and public utilities; and construction, including demolition and repair. Minors from 14 to 15 years of age are permitted in office or sales work in these fields only if such work does not involve any duties on trains, motor vehicles, aircraft, vessels, or other media of transportation, or at the actual site of construction operations, and provided further that it is performed only outside school hours, for no more than 3 hours a day, 18 hours a week when school is in session, and for not more than 8 hours a day, 40 hours a week when school is not in session. All work must be performed between 7 a. m. and 7 p. m.[56]

On November 27, 1950, the Wage and Hour Division of the United States Department of Labor established 18 as the minimum age for the employment of minors in connection with mining, other than coal mining, effective January 6, 1951, with the following exceptions: work in offices, warehouses, laboratories, repair or maintenance shops not located underground, surveys, road repair and maintenance, general clean-up of mine property, and handsorting at picking tables.[57]

Another order of the Wage and Hour Division of the Department of Labor, dated January 23, 1950, provides that student learners (meaning thereby students who are receiving instruction in an accredited school, college, or university and who are employed on a part-time basis pursuant to a *bona fide* training program under the supervision of a State board of vocational education, or other recognized educational body) shall be paid not less than 75 percent of the minimum wage established in section 6 of the Fair Labor Standards Amendments of 1949.[58]

Rhode Island prohibited minors from 16 to 17 years of age from working in mercantile and office establishments between 11 p. m. and 6 a. m. Formerly, this prohibition applied only to manufacturing and mechanical establishments. Maryland, in completely revising its child-labor law, considerably strengthened former child-labor standards in that State. The new law raises the basic age for employment from the former 14-year minimum to a 16-year minimum and sets 18 instead of 16 as the minimum age for the issuance of general employment certificates. The new law also prohibits minors under 18 from working in a number of hazardous occupations and replaces the

[56] 15 F. R. 396.
[57] *Ibid.*, 8680.
[58] *Ibid.*, 395-396.

former 48-hour work week in certain specific occupations with a 40-hour maximum. It limits the hours of work of minors under 18 who attend school and work outside school hours in the following ways: for minors of 16 and 17, a 9-hour day and 49-hour week is established; if such minors attend day school, they are prohibited from working between 10 p. m. and 6 a. m. For minors under 16, working from 7 p. m. to 7 a. m. in any gainful occupation is prohibited, rather than only in specified occupations as formerly. In addition, the new 40-hour work week was made applicable to minors under 16 who have any gainful occupation. Virginia made its school law consistent with its child-labor law of 1948 by permitting, under certain conditions, children of 14 years or over who cannot benefit from further education to be exempted from school attendance.

Several of the States adopted laws permitting minors to be employed in certain occupations at an earlier age. Kentucky lowered the age requirements from 18 to 16 for work in public bowling alleys. Louisiana broadened a former provision under which minors of 16 and 17 were permitted to work 10 hours a day and 60 hours a week in the processing of sugarcane or sorghum to include also the processing of strawberries and made the provision applicable to minors of 14 and 15 as well as those of 16 and 17. In Massachusetts, the authority of the Commissioner of Labor and Industries to suspend the application of any provision regulating the employment of minors and women was extended until July 1, 1951, in the event of an emergency or a condition of hardship in any industry or establishment.[59]

Education

The United States Congress passed a broader act for financial assistance to school districts in areas affected by Federal activities, approved September 30, 1950.[60] The act authorizes financial assistance to school districts for school maintenance and operation (1) where the local tax income has been reduced as a result of the acquisition of real property by the United States, (2) where education is provided for children residing on Federal property, (3) where education is provided for children whose parents are employed on Federal property, and (4) where there has been a sudden and substantial increase in school enrollment as the result of Federal activity. In the School Construction Act, approved September 23, 1950, provision is made for the United States to bear in part the cost of constructing school facilities in the school districts specified above where Federal activities have caused a substantial increase in enrollment necessitating additional school construction.[61]

The School Construction Act also authorizes grants to States to assist them to inventory existing school facilities, to survey the need for the construction of new facilities, to study the adequacy of State and local resources available to meet school facilities requirements, and to develop State plans for school construction.

Efforts were made by the legislatures of several Southern States to improve educational services for Negro students. Kentucky, for example, provided for the admission of Negro students to courses of instruction given hitherto exclusively for white people, by enacting

[59] For example: La. 1950, Act 466, p. 861 and Act 12, p. 16; N. Y. 1950, ch. 8, p. 205 and ch. 616, p. 1444; Ky. 1950, ch. 105, p. 469; Mass. 1950, ch. 168; R. I. 1950, ch. 2623, p. 1490; Va. 1950, ch. 91, p. 102.
[60] 64 Stat. 1100.
[61] 64 Stat. 967.

a law which states that unless an "equal, complete and accredited" course is given at the Kentucky State College for Negroes, instruction above the high school level available in any institution of higher learning, public or private, or instruction for adults conducted or sponsored by, or under the auspices of, public or private corporations, groups, or bodies, is not to be denied Negroes if the governing authorities of the said institutions, corporations or bodies so elect.[62]

Mississippi likewise passed laws intended to improve the educational opportunities of its Negro citizens. The State made funds available in the amount of $50,000 for the instruction of qualified Negro students in graduate and professional schools outside the State, where such instruction is not available at the regularly supported Mississippi institutions of higher learning.[63] Mississippi again provided for the granting of State aid for the construction of school buildings for the colored race, and implemented this act by appropriating two million dollars for that purpose.[64] It also authorized the establishment of a county school district in any county where no four-year high school was located, for the exclusive use of the white or colored race as the need might exist.[65]

In *Sweatt* v. *Painter et al.*, the Supreme Court of the United States held that a qualified Negro was required to be admitted to the University of Texas Law School in a situation where legal education offered the petitioner in another school was not substantially equal to that furnished by the University of Texas Law School.[66]

The Delaware Chancery Court of New Castle, in *Parker et al.* v. *University of Delaware et al.*, followed decisions of the United States Supreme Court in holding that Negroes were entitled to be admitted to the arts and science undergraduate school of the University of Delaware in a situation where facilities offered them at the Delaware State College did not equal those provided at the University of Delaware. Otherwise the Court said, the equal protection of laws provided in the Fourteenth Amendment to the United States Constitution would be violated.[67]

In *McLaurin* v. *Oklahoma State Regents for Higher Education, et al.*, the Supreme Court of the United States ruled that the State of Oklahoma violated the equal-protection provision of the Fourteenth Amendment to the Constitution of the United States in segregating a Negro student from white students even though the State-imposed separation consisted only of the assignment of the former to a seat in the classroom in a row specified for colored students, to a special table in the library, and to a special table in the school cafeteria.[68]

The Court of Appeals of Maryland had ruled earlier, in *McCready* v. *Byrd et al.*, that a qualified Negro applicant was denied the equal protection of the laws and was entitled to apply for admission to the University of Maryland Nursing School even though offered a "superior" course in another nursing school at a total cost not exceeding that of attending the Maryland University School.[69] The Court of Appeals relied upon decisions of the Supreme Court of the United

[62] Ky. 1950, ch. 155, p. 615.
[63] Miss. 1950, ch. 31, p. 39.
[64] Miss. 1950, ch. 386, p. 451 and ch. 157, p. 139.
[65] *Ibid.*, ch. 301, p. 330.
[66] 339 U. S. 629 (1950).
[67] 75 Atl. 2d. 225 (1950).
[68] 339 U. S. 637 (1950).
[69] 73 Atl. 2d. 8 (1950).

States, in a number of previous cases, that it was the duty of a State in providing legal training to furnish it to the residents of the State "upon the basis of an equality of right."[70]

Health

On August 15, 1950, the United States Congress provided for the establishment of two new National Research Institutes: one on Arthritis, Rheumatism, and Metabolic Diseases and the other on Neurological Diseases and Blindness. These new National Institutes would be in addition to those already established in previous years (National Microbiological Institute, National Cancer Institute, National Heart Institute, National Institute of Dental Research, and the National Institute of Mental Health), and are designed to assist and foster researches, investigations, experiments, and demonstrations relating to the cause, prevention, and methods of diagnosis and treatment of arthritis, rheumatism, multiple sclerosis, cerebral palsy, epilepsy, poliomyelitis, blindness, leprosy, and other related diseases. They mark additional steps forward to improve the health of the people through the evolution of the most effective methods of prevention, diagnosis, and treatment of these diseases and the dissemination of the knowledge thus acquired.[71]

Employment

Laws to prohibit discrimination in employment based on race, creed, color, national origin, or ancestry were passed by several States. New York, for example, supplemented its law on the subject by prohibiting the issuance of a license to operate an employment agency if the name of the agency, either directly or indirectly, "expresses or connotes" any such discrimination.[72] Another New York law specified that New York governmental contracts for the manufacture, sale, or distribution of materials, equipment, or supplies must contain provisions prohibiting racial or religious discrimination in the hiring of employees by the contractor.[73]

Two States banned discrimination in employment because of age. Massachusetts amended its Fair Employment Act so as to incorporate that prohibition, and defined "age" as meaning any age between 45 and 65.[74] The State of Rhode Island created by resolution a legislative committee to investigate the practices of hiring and discharging employees because they have reached the age of 40 years or over. The committee was directed to include in the report drafts of remedial legislation to prevent refusal to employ, or dismissal of, persons between the ages of 45 and 65.[75]

Puerto Rico adopted legislation outlawing discrimination in employment because of political affiliation.[76]

Minimum wage

In 1950, 15 wage orders became effective in Puerto Rico and seven States: Connecticut, Massachusetts, Rhode Island, Washington, Oregon, New Hampshire and Ohio. The minimum wage rates estab-

[70] *Missouri ex rel. Gaines* v. *Canada, Registrar of the Univ. of Missouri*, 305 U. S. 337 (1938) and *Sipuel* v. *Board of Regents of the Univ. of Oklahoma*, 332 U. S. 631 (1948).
[71] 64 Stat. 443.
[72] N. Y. 1950, ch. 336, p. 1064.
[73] *Ibid.*, ch. 424, p. 1165.
[74] Mass. 1950, ch. 697.
[75] R. I. 1950, resolution 791.
[76] P. R. 1950, ch. 382, p. 876.

lished range from 50 cents an hour for the restaurant occupation in New Hampshire to 70 cents an hour for the personal service occupation in Massachusetts. An amendment to the Massachusetts law enacted in 1949 became effective January 1, 1950, establishing a statutory minimum wage of 65 cents an hour applicable to both men and women workers.

Right to strike

Ten years ago, the Supreme Court of the United States held in *Thornhill* v. *Alabama* that the use of picketing for the purpose of "dissemination of information concerning the facts of a labor dispute must be regarded as within that area of free discussion that is guaranteed by the Constitution."[77] But in 1941 the Supreme Court, while reaffirming the decision in the Thornhill case, held that a State is at liberty under the Fourteenth Amendment to the United States Constitution to prevent violence by labor unions in industrial disputes through the use of injunctions,[78] and in an instance where peaceful picketing violated a State statute forbidding agreements in restraint of trade (picketing to induce appellee not to sell ice to nonunion peddlers), the Supreme Court held that enjoining such picketing does not violate the provisions of the Fourteenth Amendment as to freedom of speech.[79]

Three decisions on picketing were handed down on May 8, 1950, by the Supreme Court of the United States. In *Building Service Local No. 262 et al.* v. *Gassam; International Brotherhood of Teamsters et al.* v. *Hanke et al. doing business as Atlas Auto Rebuild;* and *Hughes et al.* v. *Superior Court of California for Contra Costa County*, the Supreme Court held that peaceful picketing may be enjoined by a State Court if its objective is to coerce an employer to compel his employees to join a union; or the owner of a business conducted by the owner himself to assent to a demand to become a union shop; or a store in a Negro neighborhood to hire Negro employees in proportion to its Negro customers.[80] In each of these cases it was held that the right of free speech under the Fourteenth Amendment was not violated.

In *Construction and General Labor Union, Local No. 638 et al.* v. *Stephenson*, the Texas Supreme Court held that picketing to compel a house-moving contractor to employ union instead of non-union workers was enjoinable since the immediate purpose of the picketing was to compel the employer to discriminate against nonunion men in hiring employees in violation of Texas' right-to-work statute.[81] In *Fawick Airflex Co.* v. *United Electrical, Radio and Machine Workers of America, Local No. 735, C. I. O. et al.*, the Ohio Court of Appeals held that the right of free speech did not protect persons who picketed a judge's home and who wrote scurrilous, insulting, and threatening letters to him in order to express disapproval of his decisions in pending matters, as such actions presented clear and present dangers to orderly administration of justice, and were punishable as contempt.[82]

In the case of *Zeeman* v. *Amalgamated Retail & Department Store Employees Union, Local No. 55*, the California Supreme Court held

[77] 310 U. S. 88, 102, 913 (1940). *Milk Wagon Drivers Union of Chicago, Local 753, et al.* v. *Meadowmoor Dairies, Inc.*, 312 U. S. 287 (1941).
[78] *Giboney et al.* v. *Empire Storage Co. & Ice Co.*, 336 U. S. 490 (1949).
[79] 339 U. S. 532, 470, 460 (1950).
[80] 225 S. W. 2d 958 (1950).
[81] 90 N. E. 2d 610 (1950).
[82] Decision, Mar. 6, 1950, 18 U. S. Law Wk., No. 38 (Apr. 4, 1950) p. 2444.

that while picketing at the residence of an employer might involve embarrassment, it might be lawfully done, as this was incidental to the right of a union to inform the public generally, and each segment of the public, of its side of a labor controversy.[83]

Just and favorable conditions of work

Migratory Labor—For years the conditions surrounding migratory workers have caused concern in many countries. By Executive Order 10129, dated June 3, 1950, the President established a special commission to inquire into the social, economic, health, and educational conditions among migratory workers, both alien and domestic, in the United States; the problems created by the migration of workers for temporary employment in the United States; the responsibilities now assumed by Federal, State, county, and municipal authorities with respect to alleviating the conditions among such workers, alien and domestic; the availability of local and migratory workers from domestic sources to meet agricultural labor needs, and (if an adequate number is not available) the extent to which temporary employment of foreign workers may be required; and the extent of illegal migration of foreign workers into the United States, the problems created thereby, and in what respect current law-enforcement measures and the authority and means possessed by Federal, State, and local governments may be strengthened to eliminate such illegal migration.[84]

On December 15, 1950, the life of this commission was extended to March 1, 1951, by order of the President.[85]

Women Workers—Some States limit the hours during which women workers may be gainfully employed at night. Two States adjusted the prohibited period.

Louisiana exempted women employed in an executive capacity from its laws regulating their hours of work. New York enacted legislation permitting women over 21 years of age to be employed in mercantile establishments until 12 o'clock midnight rather than to 10 p. m. as formerly. This provision, however, was effective only until April 1, 1951.[86]

Rehabilitation of offenders

Six States enacted laws concerning offenders. Georgia provided for pre-sentence psychiatric examination of convicted persons in criminal cases. Louisiana authorized the appointment of a physician for the Orleans Parish Prison. New Jersey established a commission to study the problem of the apprehension, confinement, care, and treatment of the chronic misdemeanant alcoholic and drug addict, with special attention to prevention. South Carolina made it an offense for anyone to furnish any prisoner with alcoholic beverages or narcotic drugs. Virginia provided for the examination of sex criminals to determine if mentally ill or mentally deficient, but not insane.[87]

Cultural rights

On May 10, 1950, the United States Congress established the National Science Foundation and charged it with the responsibility, among other things, of developing and encouraging the pursuit of a

[83] Decision, Jan. 31, 1950, 18 U. S. Law Wk., No. 32 (Feb. 21, 1950) p. 2375.
[84] 15 FR 3499.
[85] *Ibid.*, 9029.
[86] La. 1950, Act 466, p. 861; Act 12, p. 16; N. Y. 1950, ch. 616, p. 1444.
[87] For example: Ga. 1950, Act 840, p. 427; La. 1950, Act 379, p. 623, Miss. 1950, ch. 523, p. 888; N. J. 1950, S. R. No. 13; S. C. 1950, Act 1023, p. 2463; Va. 1950, ch. 463, p. 897.

national policy for the promotion of basic research and education in the sciences, by initiating and supporting basic scientific research in the mathematical, physical, medical, biological, engineering and other sciences, by fostering the interchange of scientific information among scientists in the United States and foreign countries, and by awarding scholarships and graduate fellowships in the mathematical, physical, medical, biological, engineering, and other sciences.[88]

Significant activity in the United States in 1950 relating to human rights

The Federal Government, States, and Territories of the U. S. A.*	Territorial self-government	Election procedures	Arrest and trial procedures	Freedom of speech	Freedom of religion	Freedom from discrimination	Freedom of communications	Public service and merit system	Education	Child welfare	Aid to handicapped	Care, rehabilitation of offenders	Housing	Health	Vacation and recreation facilities	Hours of work, labor standards	Unemployment benefits	Disability benefits, workmen's compensation	Social security, retirement and old-age benefits
U. S. Congress	X	X	X	X	X	X	----	----	X	X	----	----	X	X	X	X	----	----	X
California	----	X	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Colorado	----	X	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Connecticut	----	----	----	----	----	----	----	X	----	X	----	----	----	----	----	X	----	----	----
Georgia	----	X	----	----	----	----	X	X	----	X	X	X	----	X	X	X	X	X	X
Idaho	----	----	----	----	----	----	----	----	----	X	----	X	----	----	----	----	----	----	X
Kentucky	----	----	----	----	----	X	----	----	X	X	X	----	X	----	----	X	X	X	X
Louisiana	----	----	----	----	----	----	----	----	X	X	X	----	X	X	X	X	X	X	X
Maryland	----	X	----	----	----	----	----	----	----	X	X	----	----	----	----	X	X	----	X
Michigan	----	X	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	X	----
Mississippi	----	----	X	----	----	X	----	----	X	X	X	X	X	X	X	----	X	X	X
New Jersey	----	X	----	----	X	X	----	X	X	X	----	X	X	X	X	----	X	X	X
New York	----	X	----	----	----	X	----	----	X	X	----	X	X	----	----	X	X	X	X
Puerto Rico	----	----	----	X	----	----	----	----	X	----	----	----	X	----	X	X	----	X	X
Rhode Island	----	X	----	----	----	----	----	----	X	X	----	----	X	----	----	X	X	X	X
South Carolina	----	X	----	X	----	----	----	----	X	X	X	X	----	----	X	X	----	----	X
South Dakota	----	----	----	----	----	----	----	----	----	X	----	----	X	----	----	----	----	----	----
Texas	----	----	----	----	----	X	X	----	----	X	X	----	----	----	----	----	----	----	----
Virgin Islands	----	----	----	----	----	X	----	----	X	----	----	----	X	----	----	X	----	----	X
Virginia	----	X	X	----	----	X	X	----	X	----	X	X	----	X	----	X	----	X	X
Washington	----	X	----	----	X	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Wyoming	----	----	----	----	----	----	----	----	X	----	----	----	----	----	----	X	----	----	X

X indicates that legislation was adopted on the particular subject.

*Because of variations in reporting systems, this chart indicates only characteristic activity and does not constitute an authoritative listing of all topics dealt with in the various legislatures. The 1950 session laws of Alabama, Arizona, Illinois, Maine, Massachusetts, Missouri, and New Hampshire were not published in time to be included in this chart. Legislatures did not meet in 1950 in the other 24 States and territories. Legislation appropriating funds for activities authorized in this or previous years is omitted.

[88] 64 Stat. 149.

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